



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Gerard Seeley, Jr.
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION SPECIAL ORDER BY CONSENT ISSUED TO

TA OPERATING CORPORATION d/b/a TRAVEL CENTERS OF AMERICA

Permit No. VA0061972

Facility Id No. 4-009493

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code §§ 10.1-1185 and 62.1-44.15(8a) and (8d), between the State Water Control Board and TA Operating Corporation d/b/a Travel Centers of America, for the purpose of resolving certain violations of environmental law and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.

6. "TCA" means TA Operating Corporation d/b/a Travel Centers of America a corporation certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
7. "AST" means aboveground storage tank.
8. "UST" means underground storage tank.
7. "Facility" means the wastewater treatment system and UST/AST system located at the truck stop known as Richmond Travel Center at the intersection of I-95 and Lewistown Road in Hanover County, Virginia.
8. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
9. "Permit" means VPDES Permit No. VA0061972, which became effective March 24, 2004, and expires March 23, 2009.
10. "O&M" means operations and maintenance.
11. "AST" means aboveground storage tank as defined further in 9 VAC 25-91-10 and Virginia Code § 62.1-44.34:8.
12. "UST" means underground storage tank as defined further in 9 VAC 25-580-10 and Virginia Code § 62.1-44.34:8.

SECTION C: Findings of Fact and Conclusions of Law

1. TCA owns and operates a wastewater treatment system serving a truck maintenance and retail fueling at the intersection of I-95 and Lewistown Road in Hanover County, Virginia. This Facility is the subject of VPDES Permit No. VA0061972, which allows TCA to discharge treated wastewater and stormwater into an unnamed tributary of Lickinghole Creek in strict compliance with terms, limitations and requirements outlined in the Permit. The creek is part of the Chickahominy Watershed and subject to strict water quality standards. TCA is also a UST and AST owner and operator within the meaning of VA Code § 62.1-44.34:8.
2. The Facility was previously permitted (effective 10/20/98 – 10/20/03) to discharge non contaminated stormwater (outfall 901) and water from cleaning events and industrial discharges (outfall 001). Both outfalls were sampled at the same place with dry weather sampling reported on the DMR for outfall 001 and storm event monitoring reported on the DMR for outfall 901. The theory was to sample the outfall when it was not raining to determine the industrial contribution to the discharge, and to sample when it was raining to determine stormwater

contribution. The wet weather outfall, 901, was considered storm water and there were no associated discharge limits, however outfall 001, the dry weather/industrial outfall had strict permit limits based on Chickahominy water quality standards.

3. When the Permit was re-issued in March 2004, the two outfalls were combined into one. The strict Chickahominy standard permit effluent limits from 001 were now applied to any discharge including stormwater only discharges. Since the re-issuance of the permit in March of 2004 TCA has been unable to consistently meet permit effluent limits for biochemical oxygen demand (BOD), total suspended solids (TSS), phosphorus and nitrogen.
4. On October 6, 2004, the Department issued TCA an NOV for TSS, total phosphorous, BOD, pH, and ammonia permit effluent violations reported on DMRs for the March 2004 through August 2004 monitoring periods. On November 5, 2004, a meeting was held with TCA to discuss the NOV. TCA requested some time to come into compliance with the new permit limits. It was purchasing another parking lot scrubber and increasing the frequency of its use to twice per week. TCA also stated it was meeting with Hanover County to expand the truck stop and the expansion would include additional stormwater treatment.
5. On November 17, 2005, the Department issued an NOV to TCA for TSS, total phosphorous, BOD, and ammonia permit effluent violations reported on DMRs for the September 2004 through August 2005. A review of TCA's file after the August 2005 monitoring period revealed that the TCA has had further violations with TSS, total phosphorous, BOD, pH, and ammonia.
6. TCA and the Department met on December 20, 2005, to discuss the violations at the Facility. The truck stop has an area that is unpaved which affects water quality during rain events. TCA has plans to install two sedimentation ponds and pave this area. The sedimentation ponds will be permitted by the County as stormwater control ponds during the expansion. After completion of the expansion, the ponds will be converted to a wastewater treatment system permitted by the Department.
7. On March 14, 2006, the Department conducted an AST/UST inspection. The Department staff found that the owner has failed to register the tanks. In addition TCA had no records on site. Department staff found that the registration for the ASTs needed renewal, there was no secondary containment certification, there were no gauges on the ASTs, no evidence of daily visual or weekly inspections, no evidence of leak detection being performed or training of facility staff. Preventative maintenance was deficient with defective and leaking AST valves and oil handling equipment. The Department also found that the AST facility was unsecured, there is no demonstration of financial assurance, and the Oil Discharge Contingency Plan needed updating.

8. On March 24, 2006, the Department informed TCA of the UST/AST inspection results and requested a schedule for corrective action by April 14, 2006. Most of the deficiencies were corrected with the remainder due to be completed by August 1, 2006.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a) and (8d), orders TCA, and TCA agrees, to perform the actions described in Appendices A & B of this Order. In addition, the Board orders TCA, and TCA voluntarily agrees, to pay a civil charge of \$33,900 within 30 days of the effective date of the Order in settlement of the violations cited in this Order. The payment shall note that it is being made pursuant to this Order and shall note the Federal Identification Number for TCA. Payment shall be by check, certified check, money order, or cashier's check payable to "Treasurer of Virginia" and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of TCA, for good cause shown by TCA, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, TCA admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. TCA consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.

5. TCA declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by TCA to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. TCA shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. TCA shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. TCA shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which TCA intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

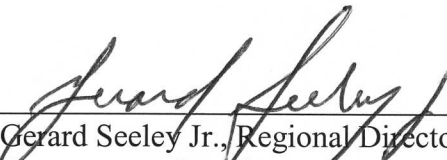
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and TCA. Notwithstanding the foregoing, TCA agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
- a. TCA petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - b. The Director or Board terminates the Order in his or its sole discretion upon 30 days notice to TCA.

Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve TCA from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.


12. By its signature below, TCA voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of September 6, 2006.



Gerard Seeley Jr., Regional Director
Department of Environmental Quality

TCA voluntarily agrees to the issuance of this Order.

By: 

Date: 7/11/06

Commonwealth of Virginia

City/County of Cuyahoga

The foregoing document was signed and acknowledged before me this 11TH day of July, 2006, by EMILY F. GLOECKLER, who is
(name)

ENVIRONMENTAL ASSOCIATE of TCA, on behalf of the Corporation.
(title)

Mary Sandra Barnes
Notary Public

My commission expires: May 1, 2011

MARY SANDRA BARNES
NOTARY PUBLIC, STATE OF OHIO
Recorded in Lorain County
My Comm. Expires May 1, 2011



APPENDIX A

TCA shall:

1. On or before September 1, 2006, submit to the Department for review and approval, an engineering evaluation of the proposed treatment system planned for the expansion of Richmond Travel Center.
2. On or before October 1, 2006, submit to the Department for approval, a corrective action plan (CAP) with an implementation schedule for facility modifications that will allow TCA to consistently meet permitted effluent limits. Once approved by the Department the CAP and schedule will become an enforceable part of this Order.
3. Within 30 days of the Department's approval of the CAP, submit a permit modification to the Department incorporating the above modifications.
4. Within 60 days of the Department's approval of the CAP, submit an electronic disk with the revised operation and maintenance manual and stormwater pollution prevention plan to include changes made by the Facility.
5. On or before July 1, 2006, submit an updated Oil Discharge Contingency Plan and a renewal application for registration of the ASTs.
6. On or before September 15, 2006, provide DEQ a professional engineer's certification of the secondary containment on the Facility ASTs.
7. On or before August 1, 2006, install level gauges on the Facility ASTs.

Pursuant to this Order communications regarding this Order, and its requirements shall be addressed as follows:

Frank Lupini
Department of Environmental Quality
Piedmont Regional Office
4949-A Cox Road
Glen Allen, Virginia 23060

TCA shall confirm, in writing, completion of the Order requirements to the above address **within five (5) days of completion.**

APPENDIX B

Interim limitations:

During the period beginning with the effective date of this Order and lasting until the completion of the CAP, discharges shall be limited and monitored by TCA in accordance with VPDES Permit VA0061972, except as specified below:

| | Monthly Average Concentration | Maximum Concentration |
|------------|----------------------------------|--------------------------|
| TSS | 80 mg/L | 90 mg/L |
| Ammonia | 5.3 mg/L | 5.3 mg/L |
| BOD | 45 mg/L | 60 mg/L |
| Phosphorus | 1.1 mg/L | 1.1mg/L |